

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

JOSE EDUARDO RODRIGUEZ MANAYA

Defendant.

) Criminal No.04-CR-10314 (RCL)

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NOTICE OF MOTION
TO WITHDRAW AS
DEFENSE COUNSEL

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed affirmation of JACK G. GOLDBERG, ESQ. dated January 30, 2006 and all the pleadings and proceedings had herein, a motion will be made at a Criminal Term of the United States District Court for the District of Massachusetts at the United States Courthouse, 1 Courthouse Way Boston, Massachusetts 02210 on February 7, 2006 at 2:00 P.M. in the afternoon or as soon thereafter as counsel can be heard for an Order permitting JACK G. GOLDBERG, ESQ., to withdraw from and no longer represent the defendant, JOSE EDUARDO RODRIGUEZ MANAYA in the instant criminal proceeding and for such other and further relief as this Court may deem just and proper.

Dated: Boston, Massachusetts
January 30, 2006

Respectfully submitted,


JACK G. GOLDBERG, ESQ.,

Attorney for Jose Eduardo Rodriguez Manaya
225 Broadway Suite 905
New York, New York 10007
212-227-1900

To: Hon. Marianne B. Bowler
Magistrate Judge.
United States District Court
District of Massachusetts
United States Courthouse
Suite # 2300
1 Courthouse Way
Boston, Massachusetts 02210

Maureen Hogan, Esq.
Assistant United States Attorney
United States Attorney
District of Massachusetts
1 Courthouse Way
Boston, Massachusetts 02210

Office of the Clerk
United States District Court
District of Massachusetts
United States Courthouse
Suite # 2300
1 Courthouse Way
Boston, Massachusetts 02210

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AFFIRMATION
IN SUPPORT

STATE OF NEW YORK)

) SS.:

COUNTY OF NEW YORK)

JACK G. GOLDBERG, ESQ., an attorney duly admitted to represent the
defendant before this Court, affirms as follows as true and correct:

1. I have been the attorney for criminal defendant JOSE EDUARDO RODRIGUEZ MANAYA since his arrest in New York on or about October 8, 2004.
2. Following his arrest I made several appearances with him in connection with this matter in the United States District Court for the Eastern District of New York.
3. Before the defendant's case was transferred to the United States District Court for the District of Massachusetts, counsel had several meetings with the defendant at the Metropolitan Detention Center located in Brooklyn, New York.
4. In the course of those meetings we spent hours discussing his personal history and his

involvement in Boston and New York. The defendant indicated that he wished to retain Jack G. Goldberg, Esq. to represent him in Boston. The defendant was thereafter transferred by the United States Marshal Service to Massachusetts. Counsel retained the firm of Casner & Edwards, LLP to move counsel's appearance pursuant to the Local Rules of the Court.

5. Since the defendant's transfer to Massachusetts, counsel has made approximately nine (9) trips to Massachusetts to either appear in Court or to meet with his client at the Essex County Jail located in Middleton, MA.

6. It was agreed that counsel would be reimbursed for his expenses within thirty days. It was also understood that whenever possible counsel would attempt to save money by driving to the Essex County Jail and the United States District Court in Boston. To date counsel has made five trips to Boston by plane and four trips by car.

7. I recognize that the orderly administration of justice requires an attorney to continue the representation of his client absent compelling reasons to the contrary.

8. To date only a portion of my fee has been paid and with this present trip on February 10, 2006 counsel will have outlaid \$5,500.00 in un-reimbursed expenses.

9. Counsel has made numerous efforts to resolve the defendant's financial difficulties including foregoing the balance of his fee in return for the payment of past and present expenses.

10. Not long ago one of the defendant's friends, Jose Paniagua gave me a \$1,000 check as payment for the defendant's expenses. Unfortunately, the check bounced.

11. That I have written Mr. Manaya numerous letters over the past six months but have not received a response.

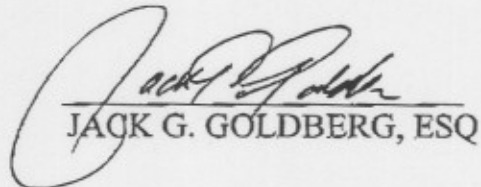
12. Several weeks before I appeared before this Court on November 15, 2005, the defendant's girlfriend Altagracia Ramos and brother, Carlos Manaya met with me in my office. When the meeting concluded they promised to pay one-half of the expenses before November 15, 2005.

13. On November 14, 2005 I received telephone calls from Ms. Ramos and the defendant's brother. Before my flight to Boston, both claimed to have the expense money. When I returned to New York however, each claimed the other was a thief and had stolen the money. I recall Carlos telling me that I should not deal with Ms. Ramos any longer.

14. One week latter, Carlos told me that he would be visiting his brother Jose over the weekend and would resolve the problem. After waiting one-week I called Carlos. When I spoke with him he stated; that he had met with his brother and that I had "done nothing for his brother". He began cursing and then threatened to physically harm me.

WHEREFORE counsel requests that the Court permit him to withdraw from the instant case and assign an attorney pursuant to the Criminal Justice Act.

Affirmed:
Dated: New York, New York
January 30, 2006


JACK G. GOLDBERG, ESQ